

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GREGORY HARDY,

Plaintiff,

v.

WHITAKER, *et al.*,

Defendants.

Case No. 24-cv-11270

Honorable Thomas L. Ludington

Magistrate Judge Elizabeth A. Stafford

ORDER DENYING PLAINTIFF’S MOTION TO COMPEL (ECF NO. 59)

Plaintiff Gregory Hardy, proceeding pro se, moves to compel defendants to respond to requests for production. ECF No. 59. The Honorable Thomas L. Ludington referred the case to the undersigned for all pretrial matters under 28 U.S.C. § 636(b)(1). ECF No. 10.

Hardy’s discovery motion is premature. Federal Rule of Civil Procedure 26(d)(1) precludes parties from “seek[ing] discovery from any source before the parties have conferred as required by Rule 26(f), except in a proceeding exempted from initial disclosure under Rule 26(a)(1)(B), or when authorized by these rules, by stipulation, or by court order.” None of the exceptions to this rule apply. It is undisputed that the parties have not completed a Rule 26(f) conference. Although defendants deposed Hardy

in December 2024, depositions may take place before a Rule 26(f) conference. 8A Charles Alan Wright & Arthur R. Miller, Federal Practice and Procedure § 2046.1 (3d ed. 2024) (“Except for depositions that may by rule be taken prior to the Rule 26(f) conference, the moratorium applies to all discovery.”). Hardy may not seek written discovery until the parties have conferred as required under Rule 26(f). His motion to compel is thus **DENIED.**

s/Elizabeth A. Stafford
ELIZABETH A. STAFFORD
United States Magistrate Judge

Dated: February 24, 2025

NOTICE TO PARTIES ABOUT OBJECTIONS

Within 14 days of being served with this order, any party may file objections with the assigned district judge. Fed. R. Civ. P. 72(a). The district judge may sustain an objection only if the order is clearly erroneous or contrary to law. 28 U.S.C. § 636. **“When an objection is filed to a magistrate judge’s ruling on a non-dispositive motion, the ruling remains in full force and effect unless and until it is stayed by the magistrate judge or a district judge.”** E.D. Mich. LR 72.2.

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on February 24, 2025.

s/Davon Allen
DAVON ALLEN
Case Manager